

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MATTHEW MYERS,

Petitioner,

v.

JOHN HENLEY, *et al.*,

Respondents.

Case No. 3:23-cv-00293-ART-CLB

ORDER

In this habeas corpus action, after a 90-day initial period and two 90-day extensions of time, Petitioner Matthew Myers, represented by appointed counsel, was to file an amended habeas petition by May 7, 2024. (See ECF Nos. 12, 16, 18.) On May 7, 2024, Myers filed a motion for extension of time (ECF No. 20), requesting a third extension of time. Myers's counsel asks for "an extension of 90 days from May 7, 2024 to September 10, 2024." (ECF No. 20 at 1; *see also id.* at 2.) But an extension from May 7 to September 10 would be a 126-day extension; an extension of 90 days would extend the due date to August 5.

Myers's counsel states that the extension of time is necessary because of the time it is taking to investigate the case and determine what claims to assert in the amended petition. Myers's counsel represents that the respondents do not oppose the extension of time. The Court finds that the motion for extension of time is made in good faith and not solely for the purpose of delay, and that there is good cause for an extension of time. The Court will grant Myers a 90-day extension.

The Court does not intend in this order, or in any order extending the time for an amended petition, to comment upon, or affect in any manner, the operation of any applicable statute of limitations.

It is therefore ordered that Petitioner's Motion for Extension of Time (ECF No. 20) is granted. Petitioner will have until and including August 5, 2024, to file an amended petition for writ of habeas corpus. In all other respects, the schedule for further proceedings set forth in the scheduling order entered August 11, 2023 (ECF No. 12) will remain in effect.

Anne Russell Rine